

Modified PTO/SB/33 (10-05)

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number

Q64083

Mail Stop AF
Commissioner for Patents
P.O. Box 1450 Alexandria, VA 22313-1450

Application Number

09/832,826

Filed

April 12, 2001

First Named Inventor

Kaoru UCHIDA

Art Unit

3629

Examiner

Jamisue A. WEBB

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reasons(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

☒ I am an attorney or agent of record.

Registration number 56,995

Signature

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December 21, 2006

Date



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q64083

Kaoru UCHIDA

Appln. No.: 09/832,826

Group Art Unit: 3629

Confirmation No.: 1952

Examiner: Jamisue A. WEBB

Filed: April 12, 2001

For: METHOD TO VERIFY RECIPIENT OF DELIVERED ARTICLE AND METHOD AND SYSTEM TO DELIVER ARTICLE TO RECIPIENT AND COMPUTER PROGRAM STORING MEDIUM THEREOF

PRE-APPEAL BRIEF REQUEST FOR REVIEW

MAIL STOP AF - PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Pursuant to the new Pre-Appeal Brief Conference Pilot Program, and further to the Examiner's Final Office Action dated July 21, 2006, Applicant files this Pre-Appeal Brief Request for Review. This Request is also accompanied by the filing of a Notice of Appeal.

Applicant turns now to the rejections at issue:

The cited secondary reference Danielson fails to make up for the deficiencies of the primary reference Van Till

Claims 1-4, 14-16, 18-21, 32, 34, 44, and 47-52 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Van Till et al. (U.S Patent No. 6,404,337; "Van Till") in view of Danielson et al. (U.S Patent Application No. 2003/0081860; "Danielson").

Claim 1 recites, inter alia, “extracting first *biometrics data* submitted by a person who is to receive the delivered article *at a time of ordering...*” The Examiner admits that the primary reference Van Till fails to teach or suggest the claimed biometrics data. However, the Examiner states that the secondary reference Danielson makes up for the deficiency of Van Till by describing the claimed “biometric data” (See Advisory Action: page 2). Applicant respectfully disagrees.

Danielson simply fails to teach or suggest “extracting first biometrics data submitted by a person who is to receive the delivered article *at a time of ordering,*” as recited in claim 1. That is, in Danielson, there is *no* description that the stored signatures are captured at the time of ordering of goods. In fact, Danielson lacks any description that the captured signatures bear any relation to a particular delivery order made *at the time of ordering* (See Danielson: paragraph [0069]-[0071]).

Similarly, Van Till also fails to teach or suggest “extracting first biometrics data ... *at a time of ordering,*” as recited in claim 1. Van Till generally describes a system which enables a customer to provide a digital signature at times when the customer is not present to physically sign for a parcel (See Van Till: col. 3, lines 54-56). However, there is no disclosure in Van Till that the digital signature is extracted “at a time of ordering.” If anything, Van Till seems to suggest the contrary, as it plainly states “once an item is delivered [emphasis added] to an unattended storage device (or storage bin), the storage device creates a message, which may include the tracking number for the item and a time stamp” (See Van Till: col. 4, lines 60-64). Therefore, Applicant respectfully submits that in Van Till the “digital signature” is created upon

delivery of the ordered item at the storage device, rather than “at a time of ordering,” as recited in the claim 1.

Further, Van Till fails to teach or suggest “extracting *second* biometrics data submitted by the recipient at a time of delivery,” as recited in claim 1. That is, Van Till only describes a *single* generation of a digital signature (See Van Till: col. 4, lines 58 - col. 5, line 18). There is simply no description of a subsequent generation or extraction of digital signature in Van Till.

In view of all the foregoing, Applicant respectfully submits that claim 1 is patentable over Van Till in view of Danielson. Applicant respectfully submits that Danielson fails to make up for the above noted deficiencies of Van Till based on the rationale discussed above.

With respect to independent claims¹ 2-4, 14-16, 32, 44 and 47-52, Applicant respectfully submits that the claims are patentable under the rationale analogous to those discussed with respect to claim 1. Further, Applicant respectfully submits that claims 18-21 and 34 are patentable by virtue of their dependency.

Claims 9-13 and 28-30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over VanTill and Danielson and further in view of Berson (U.S Patent No. 6,802,005; “Berson”). Applicant respectfully submits that Berson is merely being cited for allegedly teaching “the use of a thumbprint scanner,” and as such, fails to make up for the noted deficiencies of Van Till and Danielson discussed above. Therefore, Applicant respectfully submits that claims 9-13 and 28-30 are patentable over Van Till in view of Danielson and Berson under the rationale analogous to those discussed with claim 1.

¹ Noted features of claim 1 are similarly recited in each of the independent claims.

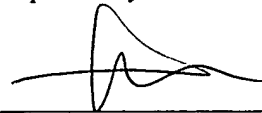
Pre-Appeal Brief Request for Review
U.S. Application No. 09/832,826

Attorney Docket No.: Q64083

Conclusion

In view of the above, reconsideration and allowance of this application are respectfully requested.

Respectfully submitted,



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